

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

WEST SHORE HOME, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action No.
NEIL WENZ, JACQUELINE WENZ, and	)	
EAST COST SHOWER AND BATH, LLC,	)	
	)	JURY TRIAL DEMANDED
Defendants.	)	
	)	

**PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

Plaintiff West Shore Home, LLC (“West Shore”), by and through its undersigned counsel, files this Motion for Temporary Restraining Order and Preliminary Injunction pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, respectfully requesting this Court to immediately enter the attached Temporary Restraining Order to protect West Shore’s Confidential Information and Trade Secrets (as that term is defined in West Shore’s Verified Complaint), prevent further disclosure or dissemination of West Shore’s Confidential Information and Trade Secrets, and preserve the *status quo* as it existed prior to the theft and misappropriation of West Shore’s Confidential Information and Trade Secrets as described herein and in West Shore’s Verified Complaint.

West Shore is seeking a Temporary Restraining Order against Defendant Neil Wenz (“Wenz”) because he is an owner of, and working for, West Shore’s direct competitor, East Cost Shower and Bath, LLC (“ECSB”), armed with West Shore’s Confidential Information and Trade Secrets. By way of explanation, following the termination of Wenz’s employment with West Shore on September 4, 2020, Wenz, without authorization, accessed West Shore’s Customer

Relationship Management (“CRM”) platform Salesforce.org (“Salesforce”) utilizing West Shore credentials to obtain West Shore’s Confidential Information and Trade Secrets specifically for the purpose of diverting West Shore business to ECSB. Wenz further accepted stolen West Shore physical property and materials used to perform installations (*e.g.*, cases of dowsil adhesive, shower heads, crimp rings, fittings and panels), to complete remodeling projects for ECSB customers.

In addition, West Shore is seeking a Temporary Restraining Order against Jacqueline Wenz (“Mrs. Wenz”; collectively with Wenz and ECSB, “Defendants”), his wife and co-conspirator. Mrs. Wenz has, upon information and belief, aided and abetted Wenz’s access of Salesforce and misappropriation of West Shore’s Confidential Information and Trade Secrets as well as its physical property through her ownership and employment with ECSB.

Finally, West Shore is seeking a Temporary Restraining Order against ECSB, the company the Wenzs went to great lengths to furnish with its competitor’s Confidential Information and Trade Secrets.

Although Defendants evaded any suspicion of any wrongdoing for several months, in March, 2021, a potential customer of West Shore tipped it off to the fact that Defendants were accessing its Confidential Information and Trade Secrets. Almost simultaneously, a former employee of West Shore and then-current ECSB employee, Jacob Peffley (“Mr. Peffley”), came forward with troubling information about the activities of the Defendants. After promptly launching an investigation (which is ongoing) to determine the gravity of this unlawful conduct, West Shore is left with no choice but to seek judicial intervention.

West Shore, now aware of Defendants’ unlawful conduct, brings this action to protect its valuable Confidential Information and Trade Secrets. Presently, the Defendants, can individually,

and collectively, leverage West Shore's Confidential Information and Trade Secret for their benefit, and unfairly compete in the market. Without an injunction to stop the Defendants from engaging in further unlawful conduct, West Shore will undoubtedly suffer immediate and irreparable harm. In support therefore, West Shore states as follows:

1. On March 5, 2021, West Shore commenced this action by filing a Verified Complaint, which is incorporated herein by reference. ECF No.1.

2. As alleged in the Verified Complaint, Defendants' conduct constitutes violations of the Computer Fraud and Abuse Act, the Defend Trade Secrets Act, the North Carolina Trade Secrets Protection Act, the North Carolina Unfair & Deceptive Trade Practices Act, as well as a breach of the duty of loyalty, tortious interference with prospective economic advantage, conversion, and conspiracy. ECF No. 1.

3. West Shore has no adequate remedy at law.

4. West Shore has a high probability of success on the merits under the causes of action and facts set forth in the Verified Complaint.

5. Unless and until Defendants are enjoined from their wrongful and unlawful conduct, West Shore will continue to be irreparably harmed because by virtue of Defendants' unlawful and unauthorized access to West Shore's Salesforce data, Defendants are privy to West Shore's Confidential Information and Trade Secrets. Further, upon information and belief, Mrs. Wenz has actively participated in Wenz's misappropriation of West Shore's Confidential Information and Trade Secrets as well the theft of its physical property. For its part, ECSB continues to operate under the Wenzs' control armed with misappropriated information and stolen property. Collectively, Defendants' actions run afoul of their statutory and common law duties and defy fairness.

6. In stark contrast to Defendants' gamesmanship, West Shore's proposed Temporary Restraining Order is narrowly tailored to protect West Shore's Confidential Information and Trade Secrets and to secure the return of its documents and information as well as its physical property.

7. Under Rule 65(b) of the Federal Rules of Civil Procedure, West Shore is providing Defendants with sufficient notice and the Temporary Restraining Order should issue without additional notice to them and without this Court hearing from them for the reasons set forth herein.

8. For the reasons set forth in the Verified Complaint and the accompanying Memorandum in Support of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, which are incorporated by reference as if set forth herein in their entirety, the Court should grant the relief requested in the proposed Order.

9. This Court's Order should continue in effect until the entry of preliminary injunctive relief.

WHEREFORE, Plaintiff West Shore Home, LLC, respectfully requests that this Honorable Court grant Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction and enter an Order in the form attached hereto.

Respectfully submitted,

/s/ Caroline Bassett Warren

Caroline Bassett Warren, Esquire (N.C. State Bar  
No. 50576)

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*Counsel for Plaintiff*

Dated: March 5, 2021

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the within **Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction and [Proposed] Order** was served on March 5, 2021 via hand delivery as follows:

Neil Wenz  
139 Edmondson Dr.  
Willow Spring, NC 27592

Jacqueline Wenz  
139 Edmondson Dr.  
Willow Spring, NC 27592

East Coast Shower and Bath, LLC  
139 Edmondson Dr.  
Willow Spring, NC 27592

/s/ Caroline Bassett Warren  
Caroline Bassett Warren